

64.101, 64.104, 64.105, 64.106, 64.109, and 64.110.

### List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: July 17, 2000.

**Togo D. West, Jr.,**

*Secretary of Veterans Affairs.*

For the reasons set forth in the preamble, 38 CFR part 3 is proposed to be amended as follows:

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.304, paragraph (f) is revised to read as follows:

#### § 3.304 Direct service connection; wartime and peacetime.

\* \* \* \* \*

(f) *Post-traumatic stress disorder.*

Service connection for post-traumatic stress disorder requires medical evidence diagnosing the condition in accordance with § 4.125(a) of this chapter; a link, established by medical evidence, between current symptoms and an in-service stressor; and credible supporting evidence that the claimed in-service stressor occurred.

(1) If the evidence establishes that the veteran engaged in combat with the enemy and the claimed stressor is related to that combat, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone may establish the

occurrence of the claimed in-service stressor.

(2) If the evidence establishes that the veteran was a prisoner-of-war under the provisions of § 3.1(y) of this part and the claimed stressor is related to that prisoner-of-war experience, in the absence of clear and convincing evidence to the contrary, and provided that the claimed stressor is consistent with the circumstances, conditions, or hardships of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor.

(3) If a post-traumatic stress disorder claim is based on in-service personal assault, evidence from sources other than the veteran's service records may constitute credible supporting evidence of the stressor. Examples of such evidence include, but are not limited to: Records from law enforcement authorities, rape crisis centers, mental health counseling centers, hospitals or physicians; and statements from family members, roommates, fellow service members or clergy. Evidence of behavior changes following the claimed assault is one type of relevant evidence which may be found in these sources.

Examples of behavior changes that may constitute credible supporting evidence of the stressor include, but are not limited to: A request for a transfer to another military duty assignment; deterioration in work performance; substance abuse; episodes of depression, panic attacks, or anxiety without an identifiable cause; or unexplained economic or social behavior changes. VA will not deny a post-traumatic stress disorder claim which is based on in-service personal assault without first advising the claimant that evidence from sources other than the veteran's service records or evidence of behavior changes may constitute credible supporting evidence of the stressor and allowing him or her the opportunity to

furnish this type of evidence or advise VA of potential sources of such evidence. VA may submit any evidence that it receives to an appropriate medical professional for an opinion as to whether it indicates that a personal assault occurred.

(Authority: 38 U.S.C. 501(a), 1154(b))

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 030-EOC; FRL-6885-8]

### Revisions to the California State Implementation Plan, Bay Area Air Quality Management District; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** EPA is extending the comment period for action proposed on September 18, 2000 (65 FR 56284).

**DATE:** Any comments on this proposal must arrive by November 17, 2000.

**ADDRESSES:** Mail comments to David Wampler, Permits Office (Air-3), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**FOR FURTHER INFORMATION CONTACT:** David Wampler, Permits Office (Air-3), U.S. Environmental Protection Agency, Region IX, (415) 744-1256.

**SUPPLEMENTARY INFORMATION:** On September 18, 2000, EPA proposed the following revisions to the California State Implementation Plan (SIP).

Local agency	Rule No.	Proposed action
Bay Area AQMD .....	Regulation 1 .....	Approval.
Bay Area AQMD .....	Regulation 2, Rules 1, 2, and 4 .....	Limited Approval/Disapproval.

The proposed action provided a 30-day public comment period. In response to a request from California Council for Environmental and Economic Balance submitted by telephone and in writing on September 28, 2000, EPA is extending the comment period for an additional 30 days.

Dated: October 3, 2000.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[FRL-6886-7]

#### Supplemental Information to Support Proposed Approvals of One-Hour Ozone Attainment Demonstrations for Serious Ozone Nonattainment Areas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability and reopening of comment period.

**SUMMARY:** Notice is hereby given that EPA has performed an analysis to evaluate emission levels of oxides of nitrogen (NO<sub>x</sub>) and volatile organic compounds (VOC) and their relationships to the application of current and anticipated control measures expected to be implemented in four serious one-hour ozone nonattainment areas. This analysis was done to determine if additional reasonably available control measures (RACM) are available after adoption of Clean Air Act (Act) required measures for the following serious ozone nonattainment areas: Greater Connecticut, New York-New Jersey-Connecticut; Springfield, Massachusetts; Washington, D.C.-Virginia-Maryland; and Atlanta, Georgia. The EPA performed this analysis in response to comments that were submitted on the proposals on these areas' one-hour ozone attainment demonstrations. The EPA took action to propose approval (and disapproval in the alternative) of these areas' State implementation plans (SIPs) on December 16, 1999 (Greater Connecticut (64 FR 70332); Springfield (64 FR 70319); Metropolitan Washington (64 FR 70460); and Atlanta (64 FR 70478)). This information supplements the December 16, 1999 proposals.

**DATES:** The EPA is establishing a comment period, ending on October 31, 2000. All comments should be sent to

the appropriate regional office as listed in the **ADDRESSES** section by that date.

**ADDRESSES:** Written comments on the Greater Connecticut and Springfield SIPs should be sent (in duplicate if possible) to: David B. Conroy, EPA Region I (New England) Office, One Congress Street, Suite 1100-CAQ, Boston, Massachusetts 02114-2023. Copies of the Connecticut and Massachusetts State submittals and EPA's technical support document are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 1 (New England), One Congress St., 11th Floor, Boston, Massachusetts, telephone (617) 918-1664. Please telephone in advance before visiting.

Written comments on the Washington, D.C.-Virginia-Maryland submittals should be submitted (in duplicate if possible) to: David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following address: Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103, and the docket numbers are DC039-2019, VA090-5036 and MD073-3045.

Written comments on the Atlanta SIP should be submitted (in duplicate if possible) to: Scott M. Martin, EPA Region 4, Air Planning Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303. Copies of the State submittal are available at the following address for inspection during normal business hours: Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, S.W., Atlanta, Georgia 30303-8960, and the docket number is GA-47-200002.

**FOR FURTHER INFORMATION CONTACT:** For general questions on the RACM analysis for mobile sources, contact Mr. Mark Simons at either 734-214-4420 or by e-mail [simons.mark@epa.gov](mailto:simons.mark@epa.gov). For general questions on the RACM analysis for stationary sources, contact Mr. John Silvasi at either (919) 541-5666 or by e-mail [silvasi.john@epa.gov](mailto:silvasi.john@epa.gov). For specific questions on the Greater Connecticut and Springfield SIPs, contact Mr. Richard Burkhardt at (617) 918-1664 or by e-mail [burkhardt.richard@epa.gov](mailto:burkhardt.richard@epa.gov). For specific questions on the Washington, D.C., SIP, contact Mr. David Arnold at (215) 814-2172 or by e-mail

[arnold.dave@epa.gov](mailto:arnold.dave@epa.gov). For specific questions on the Atlanta SIP, contact Mr. Scott Martin at (404) 562-9036 or by e-mail [martin.scott@epa.gov](mailto:martin.scott@epa.gov).

**SUPPLEMENTARY INFORMATION:** Section 172(c)(1) of the Act requires SIPs to contain reasonably available control measures (RACM) as necessary to provide for attainment as expeditiously as practicable. Several commenters have stated that there is no evidence in the four serious ozone attainment demonstrations that were proposed on December 16, 1999 that they have adopted all RACM, and a commenter further stated that the mobile source emission budgets in the SIPs are inadequate by definition because the SIPs do not demonstrate timely attainment or contain the emission reductions required for all RACM. In addition, some commenters stated that for all potential RACM measures not adopted into the SIP, the State must provide a justification for why they were determined not to be RACM.

The analysis EPA conducted demonstrates that a number of possible emission control measures have been evaluated for their emission reductions. It further demonstrates that the measures evaluated either (a) are likely to require an intensive and costly effort for numerous small area sources, or (b) do not advance the attainment dates for the four areas, and therefore would not be considered RACM under the Act.

EPA has previously provided guidance interpreting the RACM requirements of 172(c)(1). See 57 FR 13498, 13560. In that guidance, EPA indicated its interpretation that potentially available measures that would not advance the attainment date for an area would not be considered RACM. EPA concluded that a measure would not be reasonably available if it would not advance attainment. EPA also indicated in that guidance that States should consider all potentially available measures to determine whether they were reasonably available for implementation in the area, and whether they would advance the attainment date. Further, States should indicate in their SIP submittals whether measures considered were reasonably available or not, and if measures are reasonably available they must be adopted as RACM. Finally, EPA indicated that States could reject potential RACM measures either because they would not advance the attainment date, would cause substantial widespread and long-term adverse impacts, or for various reasons related to local conditions, such as economics or implementation concerns.